

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Julian MADERO-Diaz,

Defendant(s)

Magistrate Case No.

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

The undersigned complainant, being duly sworn, states:

On or about **June 13, 2008**, within the Southern District of California, defendant **Julian MADERO-Diaz** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Yvette ALCANTARA-Hernandez, Josefina RIVERA-Nunez, and Imelda MENDOZA-Hurtado** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 16th DAY OF JUNE 2008.

Nita L. Stormes

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Julian MADERO-Diaz**PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Yvette ALCANTARA-Hernandez, Josefina RIVERA-Nunez, and Imelda MENDOZA-Hurtado** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 13, 2008, at approximately 5:15 a.m., Field Operations Supervisor (FOS) Agent R. Roberts, informed agents in the field that he had witnessed a silver color Nissan load a group of suspected illegal aliens north of the Tecate Port of Entry. Border Patrol Agent R. Beckhelm, responded to Highway 94 and the last known direction of travel of the suspect vehicle. I observed a silver Nissan Altima sedan traveling on Highway 94 eastbound, near Potrero Valley Road. Agent Beckhelm proceeded to follow the aforementioned vehicle and requested record checks on the vehicles California license plate. Record checks of the vehicle revealed that it was a 2002 Nissan Altima, registered to Automotriz San Marcos, from Mexicali, Mexico. Dispatch also relayed that the vehicle had several releases of liability in the past few years. This is a common characteristic of vehicles being utilized in alien smuggling events. Agent Beckhelm continued to follow the vehicle for a few miles and was unable to observe how many occupants were inside, due to the shade of the window tint on the vehicle.

Relying on FOS Roberts' description of the observed load vehicle, at approximately 5:20 a.m., Agent Beckhelm activated his emergency lights and siren and attempted to conduct a vehicle stop in order to perform an immigration check on the occupants of the vehicle. The vehicle initially appeared to pull over to the side of the road, but quickly took off. Agent Beckhelm then informed Dispatch that the vehicle had failed to yield. The vehicle continued eastbound on highway 94, then turned north on to La Posta Road. The vehicle then turned west on to Old Highway 80 driving directly towards Border Patrol Agent G. Rivera, who was attempting to deploy a controlled tire deflation device. Narrowly missing the tire deflation device and Agent Rivera, the vehicle continued west towards Buckman Springs road, where FOS Roberts Successfully deployed a tire deflation device. The vehicle continued west on deflated tires, eventually coming to a stop just west of the Old Buckman Springs Road and Old Highway 80 intersection.

Once the vehicle stopped, Agent Beckhelm ran up to the front door to prevent the driver, later identified as defendant Julian MADERO-Diaz from absconding. The defendant actively resisted Agent Beckhelm's attempt to place him under arrest until Agent G. Magrath assisted him in extricating him from the vehicle and taking him to the ground in order to put handcuffs on him and place him under arrest. Other agents approached the vehicle and instructed the remaining four occupants inside to exit the vehicle. A search of the trunk revealed three adult male subjects concealed inside. After identifying themselves as Border Patrol Agents, they questioned all of the subjects, including the defendant, as to their immigration status. Each of the subjects, including the defendant, freely stated that they were citizens and nationals of Mexico and that they were in the United States illegally. They also stated that they were not in possession of any immigration documents that would allow them to be in or remain in the United States legally. All of the occupants, including the defendant, were placed under arrest and transported to the El Cajon Border Patrol station for further processing.

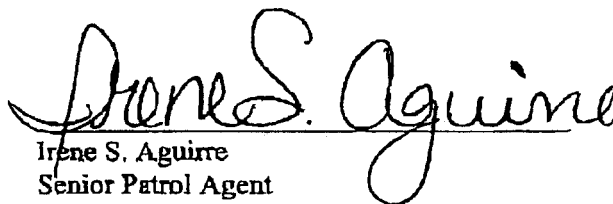
CONTINUATION OF COMPLAINT:

Julian MADERO-Diaz

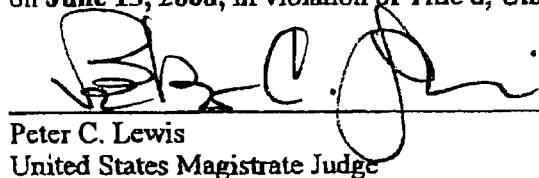
MATERIAL WITNESSES STATEMENTS:

Material Witnesses Yvette ALCANTARA-Hernandez, Josefina RIVERA-Nunez, and Imelda MENDOZA-Hurtado stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. The three material witnesses stated that they were to pay between \$1,600.00 to \$3,000.00 dollars to be smuggled. All three material witnesses stated that they fear for their lives due to the erratic driving. When shown a photographic lineup material witnesses Imelda MENDOZA-Hurtado, Yvette ALCANTARA-Hernandez were able to identify the defendant as the driver.

Executed on June 14, 2008, at 9:00 a.m.


Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of Three page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on June 13, 2008, in violation of Title 8, United States Code, Section 1324.


Peter C. Lewis
United States Magistrate Judge

6-14-08 @ 9:41 a.m.
Date/Time